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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/712,584	11/14/2000	Daniel Arturo Delfin Farias	SJO919990173	9711

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KONRAD RAYNES VICTOR & MANN, LLP  
315 SOUTH BEVERLY DRIVE  
SUITE 210  
BEVERLY HILLS, CA 90212

EXAMINER

O CONNOR, GERALD J

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 04/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/712,584

Applicant(s)

Farias et al.

Examiner

O'Connor

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on January 16, 2003 (Amdt "A").
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-65 is/are pending in the application.
- 4a) Of the above, claim(s) none is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-65 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on November 14, 2000 is/are a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Preliminary Remarks***

1. This Office action responds to the amendment and arguments filed by applicant on January 16, 2003 (Paper N<sup>o</sup> 7) in reply to the Office action mailed October 8, 2002.
2. The amendment of claims 1, 4, 13, 16, 18, 32, 37, 51, 56, and 58 by applicant in Paper N<sup>o</sup> 7 is hereby acknowledged.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-38 and 58-65 are rejected under 35 U.S.C. 102 as being clearly anticipated by the admitted prior art, as described in the written specification, since the claims read on the described prior art of performing the functions/steps manually, using a computer for some functions/steps, as opposed to the disclosed invention of a computer itself automatically performing the functions/steps.

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***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 39-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graves et al.

Graves et al. disclose a computer method for ordering products by means of a network of computers, which computer method clearly anticipates the instant claims, except that the method of Graves et al. involves only two entities (a manufacturer ordering directly from a supplier) rather than three entities (a manufacturer, receiving supplies from a distributor/middleman, the distributor/middleman first receiving the supplies from a supplier).

However, third party distributors/middlemen are well known to those of ordinary skill in the art, hence, obvious elements to include in such a method. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the computer method of Graves et al. so as to duplicate its functionality, as required, to form a three link chain instead of a two link chain, in order to accommodate an intermediate third party, such as a distributor/middleman, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results, and since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

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*Response to Arguments*

7. Applicant's arguments filed January 16, 2003 have been fully considered but they are not persuasive.

8. Regarding the arguments concerning an alleged rejection of claims 1-38 and 58-65 for being anticipated by Graves, the arguments have been disregarded as irrelevant, as no such rejection was made (though claims 39-57 were rejected for being obvious over Graves et al.).

9. Applicant's argument that the ten page disclosure of Graves et al. was too lengthy for applicant to read has been deemed not persuasive, particularly in light of applicant's eighteen pages of claims, which eighteen pages of claims applicant apparently believes to be an entirely reasonable amount to read. Furthermore, the Graves et al. reference is not at all lengthy or complex to those of ordinary skill in the art.

In any event, if applicant was having trouble understanding the rejection, or otherwise had questions pertaining to the rejection, he could readily and easily have scheduled an interview with the examiner to review the claims/rejections/references. Applicant's failure to avail himself of the opportunity to request or schedule such an interview to discuss any alleged questions or confusion has been deemed evidence that all rejections and the manner in which the cited prior art was applied were indeed well understood by applicant.

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10. Regarding the argument that Graves et al. fails to disclose receiving information from all three entities, the RSC, the acquiring entity, and the supplier, Graves et al. discloses only two entities (a manufacturer ordering directly from a supplier) rather than three entities (a manufacturer, receiving supplies from a distributor/middleman, the distributor/middleman first receiving the supplies from a supplier), but, as explained in the rejection, adapting the two-entity system to a three-entity system would be considered obvious to one of ordinary skill in the art.

As for the various particular communications among the three entities of the instant invention, the disclosure of Graves et al. includes communications comprising the claimed content, but as a two-entity supply chain, say, for entity "A" and entity "B," Graves et al. comprises two types of communications, those from A to B and those from B to A. In performing the modification to a three-entity system, as explained in the rejection, duplicating certain aspects of the functionality of Graves et al. would be necessary, albeit obvious as a mere duplication of parts, and this duplicated functionality would include the six types of communications derived from communications among the three entities, say, for "A," "B," and "C," those from A to B, those from A to C, those from B to C, those from B to A, those from C to A, and those from C to B.

11. Regarding the arguments that Graves et al. fails to disclose receiving information indicating a commitment quantity of a number of the products the supplier intends to ship to meet the requested quantity, updating the inventory database with the information received to indicate the commitment quantity, and updating the inventory database from information

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received indicating products shipped, the disclosure of Graves et al. indeed includes these elements. See, for example, column 16, lines 4-22. The processing unit 106 of Graves et al. is considered to inherently comprise a database, because such is necessarily present in order to perform as described, for example, in column 10, lines 38-47, and, in column 14, lines 5-13.

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to the disclosure.

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

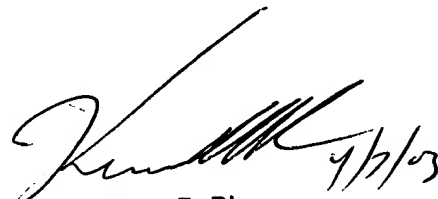
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14. Any inquiry concerning this communication, or earlier communications, should be directed to the examiner, Jerry O'Connor, whose telephone number is (703) 305-1525, and whose facsimile number is (703) 746-3976.

GJOC



April 3, 2003

  
Kenneth R. Rice  
Primary Examiner